

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
)	
v.)	No. 3:16-CR-20
)	JUDGES COLLIER / GUYTON
MARK HAZELWOOD,)	
SCOTT WOMBOLD,)	
HEATHER JONES, and)	
KAREN MANN,)	
)	
Defendants.)	

**MOTION IN LIMINE TO EXCLUDE TESTIMONY OF GOVERNMENT’S
DISCLOSED WITNESS DARREN SEAY**

Defendant Scott Wombold, joined by co-defendants Mark Hazelwood, Karen Mann, and Heather Jones (collectively, “Defendants”), moves this Court for an order excluding, pursuant to Federal Rule of Evidence 701, the proposed lay opinion testimony of Government witness Darren Seay.

As set forth in the brief filed contemporaneously herewith, Seay’s proposed testimony should be excluded because it is not admissible under Federal Rule of Evidence 701. Seay’s testimony is inadmissible under Rule 701 because it is based not on “particularized knowledge” he gained as a Pilot employee, as suggested by the Government’s disclosure; instead, the testimony necessarily relies on “specialized knowledge” or “technical” skill Seay otherwise possesses. Furthermore, the subject of Seay’s testimony is not based on his first-hand knowledge, and Seay impermissibly relies on unverified assumptions and data fed to him by the Government after the termination of the alleged conspiracy.

WHEREFORE, Defendants respectfully request that this Court exclude Seay's proposed lay opinion testimony.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2017, a true and correct copy of the foregoing document was filed electronically with the U.S. District Court for the Eastern District of Tennessee. Notice of this filing was served via the Court's electronic filing system on all counsel listed below:

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